

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 08/01/2023	NUMBER 05.03.119
SUBJECT ELECTRONIC MESSAGING (E-MAIL)		SUPERSEDES DOM 2023-1R and DOM 2023-9	
		AUTHORITY MCL 791.203, MCL 800.43	
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## POLICY STATEMENT:

Prisoners may be allowed to send and receive electronic messages (e-mail) as set forth in this policy directive.

## POLICY:

### SENDING WORK RELATED MESSAGES TO PRISONERS

- A. Staff who have been approved by the Warden or designee, and who are registered users, may send work-related e-mail to a prisoner who has access to a kiosk.

### INCOMING E-MAILS TO PRISONERS

- B. Family members and other members of the public may transmit messages electronically to a prisoner. However, the e-mails may be sent only through a vendor approved by the Department. The use of e-mail is considered a privilege. Senders are required by the vendor to comply with all terms and conditions of use, including not to use the service for a fraudulent or another inappropriate purposes. All e-mails shall be scanned for suspicious content, recorded, and archived. All e-mails shall be monitored and shall not receive any special handling, regardless of sender, even if the message would qualify for special handling if received through the mail.
- C. Upon receipt at the facility of an e-mail sent to a prisoner, the e-mail shall be printed by designated staff (unless the prisoner is allowed access to a kiosk to read e-mail) and processed in the same manner as set forth for mail in PD 05.03.118 "Prisoner Mail." However, the written content may be read in its entirety to determine if it violates PD 05.03.118. Any e-mail that the vendor has identified as including potentially suspicious content shall be read in its entirety. An e-mail that is determined to violate PD 05.03.118 shall be rejected. The intended prisoner recipient is not entitled to notice of the rejection or a hearing. Designated staff shall notify the sender, however, that the e-mail will not be delivered and the reason for the rejection. The sender may appeal the rejection in the same manner as set forth for rejected mail in PD 05.03.118. The printed copy of the rejected message shall be retained for at least fifteen business days after the sender is notified of the rejection. The printed copy shall then be destroyed unless an appeal by the sender is pending, or the rejection determination has otherwise been reversed. Although the printed copy shall be destroyed, the vendor will retain an archived copy.
- D. Prisoner are prohibited from receiving photo collages through e-mail.
- E. The Department may block a sender from transmitting e-mails if the sender has sent such messages in violation of this policy or for other reasons as approved by the Correctional Facilities Administration (CFA) Deputy Director. The Department may similarly block a prisoner from receipt of e-mails if such messages have been sent to the prisoner in violation of Department policy or for other reasons as approved by the CFA Deputy Director. Notice of the block shall be sent to the sender or prisoner, as appropriate, within a reasonable time after the block is initiated. If blocked, the sender and prisoner may continue to send/receive mail in accordance with PD 05.03.118 "Prisoner Mail."

### APPEALING AN E-MAIL BLOCK

- F. A sender may appeal an e-mail block initiated by Department staff to the Warden, unless the block was approved by the CFA Deputy Director. The Warden or designee shall review the appeal and grant or deny it within 14 business days from the day the appeal was received. The sender shall be notified in writing if the appeal was granted or denied. Blocks that have been approved by the CFA Deputy Director or initiated by the vendor cannot be appealed.

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### OUT GOING E-MAILS FROM PRISONERS

- G. Prisoners shall not be allowed to initiate contact with a member of the public. A prisoner shall only be allowed to send e-mail to a person who first sent the prisoner an e-mail. A person may block receipt of an e-mail from a prisoner if they choose to do so.
- H. Prisoners shall use kiosks installed in housing units or other designated areas within the facility to send e-mail. The kiosks also shall be used to retrieve e-mail sent from members of the public. Prisoners serving a toplock or "loss of privileges" sanction shall not have access to the kiosk during the sanction period but may retrieve transmitted inbound e-mail after the sanction period has been served. Printing services are available via the kiosk at a fee established by the CFA Deputy Director.
- I. Outbound e-mailing services shall not be available to prisoners in any form of segregation or to prisoners in the Special Alternative Incarceration program. In addition, such services shall not be available to prisoners housed in in-patient mental health units or the Secure Status Outpatient Treatment Program unless approved by the CFA Deputy Director or designee. Prisoners designated as STG I or STG II are restricted from sending e-mail.
- J. All outbound e-mail shall be scanned for suspicious content, recorded, and archived by the vendor. In addition, all outbound e-mail is subject to monitoring by the Department. Any outbound e-mail that the vendor has identified as including potentially suspicious content shall be read in its entirety. An outbound e-mail that is determined to violate PD 05.03.118 "Prisoner Mail" shall not be transmitted to the recipient. In such cases, designated staff shall notify the sending prisoner that the message will not be transmitted and the reason for that decision. The prisoner is not entitled to a hearing to contest this decision.

### RESTRICTING KIOSK USAGE

- K. In addition to being subject to discipline as set forth in PD 03.03.105 "Prisoner Discipline," a prisoner who abuses their kiosk privileges may be restricted from using the kiosk. Examples of abuse include but are not limited to:
  - 1. E-mails that harass family members or others, or e-mails that are unwelcome/unwanted by family members or others;
  - 2. Sending threatening or obscene e-mails;
  - 3. Sending an e-mail that is a violation of state or federal law;
  - 4. Connecting or attempting to connect another prisoner's media player to the kiosk;
  - 5. Using or possessing another prisoner's log-in credentials or providing log-in credentials to another prisoner;
  - 6. Using e-mails to conduct a business enterprise;
  - 7. Damaging or destroying the kiosk;
  - 8. Strong-arming other prisoners to restrict/regulate kiosk usage.
- L. Notice of the kiosk restriction shall be sent to the prisoner within seven business days after the restriction is initiated. A prisoner shall be given a hearing pursuant to Administrative Rule 791.3310 to establish the basis for the kiosk restriction. Kiosk usage may be restricted pending the hearing, but the hearing shall be held within 14 business days after imposition of a temporary restriction. The period and nature of the restriction shall be determined by the Warden or designee except if the restriction exceeds six months, in which case written approval from the Assistant Deputy Director (ADD) is required. Any restriction exceeding one year requires written approval from the CFA Deputy Director. The prisoner shall be given credit for any period of time for which their kiosk usage was restricted pending the hearing. If restricted, the prisoner may continue to correspond via the United States Postal Service in accordance with PD 05.03.118 "Prisoner Mail."

### PROCEDURES

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- M. If necessary, to implement requirements set forth in this policy directive, Wardens shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- N. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 07/19/2023